

**FUND TO COMBAT VIOLENT CRIME PROGRAM
P.O. BOX 818
DOVER, DELAWARE 19903
(302) 744-2674**

MINUTES OF THE MEETING FOR AUGUST 31, 2017

A Fund to Combat Violent Crime Committee meeting was held on Thursday, August 31, 2017, in the 2nd floor Conference Room of the Office of the Secretary, Department of Safety and Homeland Security office, Public Safety Building, Dover, Delaware. The meeting was called to order by Chairman, Robert Coupe at 3:15 p.m. Members of the Committee introduced themselves with Lt. Thomas Brackin acting as a proxy for Fred Calhoun. An introduction of attendees was completed. Those in attendance included:

Committee and Staff:

The Honorable Robert M. Coupe*

The Honorable Matt Denn*

Colonel Nathaniel McQueen*

Chief Randall L. Hughes*

Lt. Thomas Brackin*

Lisa Morris

Carol Lee

Secretary, Department of Safety and Homeland Security, Committee Chair

Attorney General for the State of Delaware

Delaware State Police

Georgetown Police Department, representing Chief William Bryson, Delaware Police Chiefs Council

Delaware State Trooper's Association, representing Fred Calhoun, FOP- Delaware State Lodge

Deputy Attorney General, Department of Justice

DSHS Grant Administrator

Interested Parties:

Chief Marvin Mailey

Chief W. Scott Collins

Chris Klein

Roger Willey

Chelsea Reynolds

Capt. Ben Feldmann

Capt. Thomas Donlon

Capt. Michael Van Campen

Chief Bob Longo

Chief Thomas Spell

Jeffrey Horvath

Chief Laura Giles

Lt. Christine Brenner

Dover Police Department

Selbyville Police Department

Department of Safety and Homeland Security

Department of Safety and Homeland Security

Department of Safety and Homeland Security

New Castle County Division of Police

New Castle City Police Department

Newark Police Department

Milton Police Department

Lewes Police Department

Delaware Police Chiefs' Council

Elsmere Police Department

Middletown Police Department

*Committee members

Minutes of the August 23, 2017 meeting were reviewed by the Committee. Chief R.L. Hughes made a motion to approve the minutes as prepared. Lt. Thomas Brackin seconded the motion. A vote was called and the motion carried unanimously.

Chairman Coupe announced the first order of business, extension and amendment requests.

The following requests were reviewed and voted on as follows:

V-23-17 New Castle City Police Department

Applicant requests a 120-day extension to utilize the remaining funds in this grant. The applicant also requests an amendment to transfer a total of \$9,000 from existing lines--\$1,000 from the Vehicle Rental line, the remaining \$3,411.67 in the equipment line and \$4,588.33 from the overtime line as shown below. The current state of their holding cell doors and locks presents a safety hazard for prisoners and officers alike. This extension would provide New Castle City PD the ability to get this work completed and utilize the remaining funds in this grant.

After discussion and questions from Lt. Brackin about the initial intent of the legislation with regard to police agencies paying for anything considered “bricks and mortar”, DAG Lisa Morris read Chapter 5 section D of the guidelines stating improvements that enhance officer safety are allowed. Chief R.L. Hughes made a motion to approve the request for a full 120-day extension. AG Matt Denn seconded the motion. A vote was called and the motion carried with one opposition.

V-10-17 Dover Police Department

Applicant requests a 120-day extension to correct errors and conclude final actions and expenditures on this grant.

Lt. Brackin made a motion to approve the request for a full 120-day extension. AG Matt Denn seconded the motion. A vote was called and the motion carried unanimously.

V-29-17 Lewes Police Department

Applicant request a 120-day extension due to the inability to get all the requested items shipped to them, and therefore, paid for within the allotted time frame.

Chief R.L. Hughes made a motion to approve the request for a full 120-day extension. AG Matt Denn seconded the motion. A vote was called and the motion carried unanimously.

Executive Session

Chairman Coupe announced a motion to hold an Executive Session. Chief R.L. Hughes made a motion to hold an Executive Session. AG Matt Denn seconded the motion. A vote was called and the motion carried unanimously. An Executive Session was held from 3:15 p.m. until 4:02 p.m. pursuant to 29 Del. C. § 10004 (b)(6); § 10002 (l) (3) - discussion of investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files.

Following the Executive Session, the meeting reconvened to discuss guideline revisions. Chairman Coupe restated that there is a moratorium on travel training as voted on in the last meeting. After discussion about which revisions were decided on at the previous meeting, Chairman Coupe read

Chapter 4, section 7, regarding technology and then moved onto new Accounting Procedures revisions as listed below.

1. All income and interest earned on the deposit of monies received from the Fund are declared to be public monies and shall be used for the purpose set forth in the original grant application.

Chairman Coupe stated that not all agencies hold their funds in an interest bearing account, but this proposed guideline recognizes that interest may be gained and that the Committee recommends that the interest stay with the granted FCVC monies. Chief R.L. Hughes mentioned in the past certain grants required interest to be returned. AG Matt Denn doesn't see a legal issue with the proposed guideline.

2. Funds received from FCVC shall not be utilized to pay interest fees, or bank charges or other bank related fees.

No comments from the Committee or interested parties.

3. Prior to entering into any contracts or MOU's with FCVC monies, copies will be provided to the Grant Administrator for review.

After much discussion on this issue, it was agreed that this provision would be dropped as the statute states that funds are not guaranteed from one year to the next.

4. All expenditures must be supported with appropriate documentation. Documentation for equipment must clearly identify the type and quantity of equipment purchased, the dates purchased, all related charges and proof of payment. Types of documentation may include purchase orders, invoices, vouchers, packing slips, cleared checks and bill statements.
5. Documentation for overtime must clearly indicate who worked the overtime, the dates the overtime was worked, the nature/reason for the overtime, and the rate of pay. Types of documentation may include payroll logs, overtime forms and overtime reports.

Jeffrey Horvath asked if the information contained within these documents would have certain information redacted in the event of a FOIA request—ie. the names of undercover officers. Chairman Coupe stated that certain information about the officer could be redacted if it was to protect the officer and the legal team would advise.

6. Documentation for Professional Services must clearly indicate the type of service, the dates services were provided and all related charges. Types of documentation may include purchase orders, invoices, vouchers, cleared checks and bill statements.

No comments from the Committee or interested parties.

7. Informant/Buy Money should be tracked in a ledger clearly indicating the amount received, when it is used and what it is used for. Acceptable uses include: payments made directly to CI's; investigative funds to purchase illegal drugs, contraband and other criminal evidence; purchases of food and beverages for a CI or suspect; expenditures for authorized undercover operations; and flash and front money. Any money returned to an agency after the disposition of a case shall be maintained by the agency in their confidential fund and only be utilized for this purpose.

Jeffrey Horvath stated that this proposed guideline is reasonable given the officers name will be redacted. Chairman Coupe answers that the officers' name doesn't need to be included, normally a case number is used.

Chairman Coupe turned to Chapter 8 of the guidelines in reference to the Disposition of funds and property upon termination. He read the following, "When a local or county government disbands, eliminates, or temporarily suspends its local law enforcement agency any unexpended funds shall revert to the Fund, and may be reallocated by the Committee. In addition, any equipment purchased with Fund monies within the last 3 years will revert to the Committee for redistribution." There were no comments from the Committee or interested parties.

Lisa Morris asked about Chapter 4, number 7, regarding the technology paragraph and if the Committee decided on the language. Chairman Coupe states that the guidelines will allow agencies to use technology that is not compatible with DTI as long as it doesn't interface with any State system, which will be approved by the Committee.

The discussion then focused on the rates of overtime pay and associated costs reported, how they are reported and what associated costs are included. Chairman Coupe states that if the FCVC application includes OEC percentages and overtime rates, the Committee can vote if the amounts are acceptable for overtime. The Chairman asks if there are any other questions or concerns, there is no reply.

The updating of forms such as the Statement of Sworn officers, application forms and final report forms was discussed. Carol Lee stated that the forms have been adjusted to be more streamlined and easier to use. Chairman Coupe asked if the documentation on expenditures will be required quarterly or remain yearly. Carol Lee stated that when the software program is developed, documentation can be entered at any time but will be expected at least quarterly.

Matt Denn made a motion to approve the requested and amended guideline changes. Chief R.L. Hughes seconded the motion. A vote was called and the motion carried with one opposition.

Chairman Coupe opened discussion for new business. Chief Laura Giles had concerns with the grant money not being distributed until October. She already has overtime scheduled for investigations and feels that it is a hardship. The approval meeting is currently set for October 12, 2017. After discussions about schedules, the application deadline was set for September 11, 2017 and the new meeting date will be September 20, 2017 in order for agencies to have their funds before the end of September.

Hearing no further discussion, Chairman Coupe asked for a motion to adjourn. Chief R.L. Hughes made a motion to adjourn the meeting and Lt. Thomas Brackin seconded. A vote was called and the motion carried unanimously. The meeting was adjourned at 4:58 p.m.